IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

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| IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION | MDL No. 2545<br>Master Docket Case No. 1:14-cv-01748<br>Honorable Matthew F. Kennelly |
| Mark A. Johnson,<br>Plaintiff(s),<br>v.<br>Actavis, Inc., Actavis Pharma, Inc., Actavis Laboratories UT, Inc., and Anda, Inc.,<br>Defendant(s).<br>*All parties are to be included per Fed.R.Civ.P. 10(a)* | Case No.: 1:16-cv-1542 |

## MASTER SHORT-FORM COMPLAINT FOR INDIVIDUAL CLAIMS

1. Plaintiff(s), Mark A. Johnson, state(s) and incorporate(s) by reference the portions indicated below of Plaintiffs' Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545. Plaintiff(s) [is/are] filing this Short Form Complaint as permitted by Case Management Order No. 20 of this Court for cases filed directly into this district.

2. In addition to the below-indicated portions of the Master Long Form Complaint adopted by the plaintiff(s) and incorporated by reference herein, Plaintiff(s) hereby allege(s) as follows:

## VENUE

3. Venue for remand and trial is proper in the following federal judicial district: Ohio Northern District Court

## IDENTIFICATION OF PLAINTIFF(S) AND RELATED INTERESTED PARTIES

4. Name and residence of individual injured by Testosterone Replacement Therapy product(s) ("TRT"): Mark A. Johnson
11411 Martin Luther King Dr., Cleveland, OH 44105

5. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: ______

6. Survival and/or Wrongful Death claims:

a. Name and residence of Decedent when he suffered TRT-related injuries and/or death: ______

b. Name and residence of individual(s) entitled to bring the claims on behalf of the decedent's estate (e.g., personal representative, administrator, next of kin, successor in interest, etc.) ______

## CASE SPECIFIC FACTS REGARDING TRT USE AND INJURIES

7. Plaintiff currently resides in (city, state): Cleveland, OH

8. At the time of the TRT-caused injury, [Plaintiff/Decedent] resided in (city, state): Cleveland, OH

9. [Plaintiff/Decedent] began using TRT as prescribed and indicated on or about the following date: February 2012

10. [Plaintiff/Decedent] discontinued TRT use on or about the following date: February 2014

11. [Plaintiff/Decedent] used the following TRT products, which Plaintiff contends caused his injury(ies):

- ☐ AndroGel
- ☐ Testim
- ☐ Axiron
- ☐ Depo-Testosterone
- ☑ Androderm
- ☐ Testopel
- ☐ Fortesta
- ☐ Striant
- ☐ Delatestryl
- ☐ Other(s) (please specify): ____________________

12. [Plaintiff/Decedent] is suing the following Defendants:

- ☐ AbbVie Inc.
- ☐ Abbott Laboratories
- ☐ AbbVie Products LLC
- ☐ Unimed Pharmaceuticals, LLC
- ☐ Solvay, S.A.
- ☐ Besins Healthcare Inc.
- ☐ Besins Healthcare, S.A.

- ☐ Eli Lilly and Company
- ☐ Lilly USA, LLC
- ☐ Acrux Commercial Pty Ltd.
- ☐ Acrux DDS Pty Ltd.

- ☐ Pfizer, Inc.
- ☐ Pharmacia & Upjohn Company Inc.

- ☐ Endo Pharmaceuticals, Inc.
- ☐ Auxilium Pharmaceuticals, Inc.
- ☐ GlaxoSmithKline, LLC

- ☑ Actavis, Inc.
- ☑ Actavis Pharma, Inc.
- ☑ Actavis Laboratories UT, Inc.
- ☑ Anda, Inc.

☐ Other(s) (please specify): ____________________

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13. [Plaintiff/Decedent] is bringing suit against the following Defendant(s), who did not manufacture TRT and only acted as a distributor for TRT manufacturers:

____________________

a. TRT product(s) distributed: ____________________

b. Conduct supporting claims: ______________________________

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14. TRT caused serious injuries and damages including but not limited to the following:

Myocardial infarction

______________________________

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15. Approximate date of TRT injury: 8/29/2013

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## ALLEGATIONS, CLAIMS, AND THEORIES OF RECOVERY ADOPTED AND INCORPORATED IN THIS LAWSUIT

16. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference as if set forth fully herein, all common allegations contained in paragraphs 1 through 467 of the Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545.

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference as if set forth fully herein, the following damages and causes of action of the Master Long Form Complaint on file with the Clerk of the Court for the United States District Court for the Northern District of Illinois in the matter entitled *In Re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545:

- [x] Count I – Strict Liability – Design Defect
- [x] Count II – Strict Liability – Failure to Warn
- [x] Count III – Negligence

- [x] Count IV – Negligent Misrepresentation
- [x] Count V – Breach of Implied Warranty of Merchantability
- [x] Count VI – Breach of Express Warranty
- [x] Count VII – Fraud
- [ ] Count VIII – Redhibition
- [x] Count IX – Consumer Protection
- [x] Count X – Unjust Enrichment
- [ ] Count XI – Wrongful Death
- [ ] Count XII – Survival Action
- [ ] Count XIII – Loss of Consortium
- [x] Count XIV – Punitive Damages
- [x] Prayer for Relief
- [ ] Other State Law Causes of Action as Follows:____________________

## JURY DEMAND

Plaintiff(s) demand(s) a trial by jury as to all claims in this action.

Dated this the 28 day of January, 2016.

RESPECTFULLY SUBMITTED
ON BEHALF OF THE PLAINTIFF(S),

/s/ Trent B. Miracle
Signature

OF COUNSEL: (name) Trent B. Miracle
(firm) Simmons Hanly Conroy LLC
(address) One Court Street, Alton, IL 62002
(phone) 618.259.2222
(email) tmiracle@simmonsfirm.com